

MAINE STATE LEGISLATURE

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L.D. 1410

Date: 6/6/2017

(Filing No. S-215)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 488, L.D. 1410, Bill, "An Act To Adopt the Nurse Licensure Compact"

Amend the bill in Part B in section 3 in paragraph L in the first line (page 17, line 29 in L.D.) by striking out the following: "A law enforcement officer" and inserting the following: 'The State Police'

Amend the bill in Part B by striking out all of sections 4 and 5 and inserting the following:

'Sec. B-4. 25 MRSA §1542-A, sub-§4, as amended by PL 2015, c. 300, Pt. B, §5, is further amended to read:

4. Duty to submit to State Bureau of Identification. It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Education. The bureau may not use the fingerprints for any purpose other than that provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the court and the Department of Public Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection 1, paragraph J, K or L must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Administrative and Financial Services, Bureau of Revenue Services. Fingerprints taken pursuant to subsection 1, paragraph M must be transmitted

COMMITTEE AMENDMENT

1 immediately to the State Bureau of Identification to enable the bureau to conduct state
2 and national criminal history record checks for the State Board of Nursing.

3 **Sec. B-5. 32 MRSA §2111** is enacted to read:

4 **§2111. Criminal history record information; fees**

5 1. Background check. The board shall request a background check for each person
6 who submits an application for initial licensure or licensure by endorsement under this
7 chapter, including an application for multistate licensure under subchapter 2-A. The
8 background check must include criminal history record information obtained from the
9 Maine Criminal Justice Information System and the Federal Bureau of Investigation. The
10 following provisions apply.

11 A. The criminal history record information obtained from the Maine Criminal Justice
12 Information System must include a record of public criminal history record
13 information as defined in Title 16, section 703, subsection 8.

14 B. The criminal history record information obtained from the Federal Bureau of
15 Investigation must include other state and national criminal history record
16 information.

17 C. An applicant shall submit to having fingerprints taken. The State Police, upon
18 payment of a fee established by the board by rule by the applicant, shall take or cause
19 to be taken the applicant's fingerprints and shall forward the fingerprints to the State
20 Bureau of Identification so that the bureau can conduct state and national criminal
21 history record checks. Except for the portion of the payment, if any, that constitutes
22 the processing fee charged by the Federal Bureau of Investigation, all money received
23 by the State Police for purposes of this paragraph must be paid over to the Treasurer
24 of State. The money must be applied to the expenses of administration incurred by
25 the Department of Public Safety.

26 D. The subject of a Federal Bureau of Investigation criminal history record check
27 may obtain a copy of the criminal history record check by following the procedures
28 outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of
29 a state criminal history record check may inspect and review the criminal history
30 record information pursuant to Title 16, section 709.

31 E. State and federal criminal history record information may be used by the board for
32 the purpose of screening each applicant. A board action against an applicant under
33 this subsection is subject to the provisions of Title 5, chapter 341.

34 F. Information obtained pursuant to this subsection is confidential. The results of
35 background checks received by the board are for official use only and may not be
36 disseminated to the Interstate Commission of Nurse Licensure Compact
37 Administrators established in section 2177 or to any other person or entity.

38 G. An applicant whose license has expired and who has not applied for renewal may
39 request in writing that the State Bureau of Identification remove the applicant's
40 fingerprints from the bureau's fingerprint file. In response to a written request, the
41 bureau shall remove the applicant's fingerprints from the fingerprint file and provide
42 written confirmation of that removal.



128th MAINE LEGISLATURE

LD 1410

LR 1234(02)

An Act To Adopt the Nurse Licensure Compact

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-215)
 Committee: Labor, Commerce, Research and Economic Development
 Fiscal Note Required: Yes

Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Appropriations/Allocations				
Other Special Revenue Funds	\$28,502	\$28,502	\$28,502	\$28,502
Revenue				
Other Special Revenue Funds	\$41,600	\$41,600	\$41,600	\$41,600

Fiscal Detail and Notes

The bill includes Other Special Revenue Funds allocations of \$28,502 beginning in fiscal year 2017-18 to the Department of Public Safety to perform fingerprint-based criminal history background checks. Other Special Revenue Funds revenue to the Department of Public Safety will be increased by \$41,600 beginning in fiscal year 2017-18. This estimate assumes an additional 800 fingerprints will be taken each year.

Additional costs to the State Board of Nursing, affiliated with the Department of Professional and Financial Regulation, to implement the provisions in this legislation can be absorbed within existing budgeted resources.